CONSTITUTION OF STEVENS VILLAGE

PREAMBLE

WE, THE KOYUKON PEOPLE, residing within the vicinity of Stevens Village, Alaska, in order to perpetuate our way of life according to our ancient traditions, in the presence of our ancestors and to provide for our posterity, do ordain and establish this Constitution, by the Indian Reorganization Act (IRA) of June 18, 1934, as amended. When adopted by the membership and approved by the Secretary of the Interior, this Constitution shall supersede the previously adopted and approved IRA Constitution of December 30, 1939.

ARTICLE I - NAME

This is the Constitution of the People and Government of Stevens Village.

ARTICLE II - TERRITORY

The territory of Stevens Village shall extend to and include all lands customarily and traditionally used or owned by the Koyukon people of Stevens Village since time immemorial including within such "traditional lands" all lands withdrawn for selection by the Dinyea (also called Dinyee) Corporation or Doyon Limited pursuant to the terms of the Alaska Native Claims Settlement Act of December 18, 1971 (P.L. 92-203), as heretofore and hereafter amended, as well as all lands acquired by Dinyea or Doyon, plus lands withdrawn as the Stevens Village federal townsite under the terms of the Alaska Native Townsite Act of May 25, 1926 (44 Stat. 629) and all fee lands and allotments within the traditional lands of Stevens Village, not withstanding the issuance of any patent or unrestricted fee title to any such lands.

ARTICLE III - JURISDICTION

Stevens Village shall have jurisdiction to the fullest extent possible over all lands and people within its territory to the extent such jurisdiction does not violate federal or Stevens Village law.

ARTICLE IV - MEMBERSHIP

SECTION 1. First Members. Our ancestors, whose names are on the list of Native residents made according to the Instructions of the Secretary of the Interior as described in the original 1939 IRA Constitution, are the first members of Stevens Village as named below:

Theodore John	Dummy Frederick Tattleback	Henry Moses
Ellen Adam	Lawrence Joseph	David Adam
Winthrop Silver	Jennie Simon	Leonard John
Minnie Stephen	Margaret Joseph	Sophie Jacob
Angus Joseph	Walter John	Josephine Joseph
Russell Simon, Sr.	Linus Stephen	Horace S. Smoke, Sr.
Lucy John	Alfred Jacob	William Ben
Edna Ben	Agustus Ben	Sarah Ben
Carrie Joseph	Hilda Stevens	Clara Sam
Elijah Joseph	Laura George	Old Moses
Johnny Smoke	Francis George	Benjamin Stevens
Harry Sam		James Pitka

SECTION 2. Descendants of Members. All descendants (including adopted children of Native American blood) of the First Members are eligible to be members of the Village, subject to the provisions of this Constitution and any laws enacted pursuant to the Constitution.

SECTION 3. Loss of Membership. Any member may willingly give up membership in an acknowledged writing. Any member who hereafter willingly sells, leases, encumbers or otherwise disposes of any stock in Dinyea Corporation or any land within the territory of the Village, except to another Stevens Village member, shall forfeit his or her membership. Membership may also be taken away for other good reason by the Village, acting through the Village Council, pursuant to custom or a membership and enrollment ordinance adopted in accordance with the provisions of this Article.

SECTION 4. New Membership. Any person who has lost membership, and any other Native person who marries a member and sets up a home in the Village, may be made a member upon such terms and conditions as may be established by custom or pursuant to a membership and enrollment ordinance adopted in accordance with the provisions of this Article.

SECTION 5. Membership Rules. The Stevens Village Council shall, when practicable, adopt an ordinance establishing rules and procedures for membership and enrollment, consistent with the provisions of this Constitution. Until the adoption of such an ordinance, membership shall be determined by custom and the provisions of this Constitution.

ARTICLE V - GOVERNING BODY

SECTION 1. Village Council and Officers. The governing body of Stevens Village shall be known as the Stevens Village Council. The Stevens Village Council shall consist of a First Chief, a Second Chief and seven (7) other members, all of whom shall be entitled to vote on all matters before the Council. The First and Second Chief and each Council member shall be elected directly by the voters. The council shall itself elect a Secretary/Treasurer from among its members.

SECTION 2. Eligibility. Any member of the Village eighteen (18) years of age or older, shall be qualified to seek and hold membership on the Council, provided that he or she has been physically residing in the Village for at least six months immediately preceding their election. Candidates for the offices of First and Second Chief must be at least 25 years of age.

SECTION 3. Term. The First Chief, Second Chief of the Stevens Village Council and seven Council members shall be elected by secret ballot for terms of two (2) years. The terms of the First Chief, Second Chief and Council members shall be staggered as follows: At the first general election following the adoption of this Constitution, the voters shall elect a First chief and four (4) Council members for two year terms. At the same election the Second Chief and three (3) Council members shall be elected for one year terms. Thereafter, at each general election, the voters shall elect the chiefs and other Council members for two (2) year terms.

At the first election or any other election to stagger any terms, the members elected by the most votes shall have the longest terms and members elected by the least votes shall have the shorter terms. The First and Second Chiefs and each Council member shall serve until his or her successor has been elected and seated. If at any time in the future the staggered terms provided herein shall lapse, they shall be reinstituted in the manner provided in this section by the voters at the first practicable general election.

SECTION 4. Oath of Office. Before entering upon their official duties, all officers and members of the Council shall take and subscribe to the following oath to be administered by the First or Second Chief or other qualified officer:

> I, do solemnly swear that I will preserve, protect and defend the laws and Constitution of Stevens Village and will faithfully discharge the duties of my office according to the best of my ability.

SECTION 5. Resignation and Forfeiture. Any officer or member of the Council who submits their written resignation or is absent from three successive monthly Council meetings without being excused by the Council, shall automatically forfeit his or her office.

SECTION 6. Removal. Any member of the Council found guilty by the Council of neglect of duty, gross misconduct in office, an offense involving dishonesty or who is convicted of a felony by a court of competent jurisdiction, may be removed from office by the Council. An officer or Council member subject to removal, shall first be given ten (10) days notice in writing of the reasons for the removal and be given an opportunity to answer the allegations before the Council. At least five (5) members of the Council must vote in favor of removal. No member of the Council shall preside over the meeting at which his or her removal is being considered. All questions of removal under this section shall be resolved by the Council and the decision of the Council shall be final.

SECTION 7. Vacancies. If the office of First Chief shall become vacant, the Second Chief shall assume that office. All other vacancies on the Council or in any office, whether it be by removal, recall, resignation or forfeiture, shall be filled by appointment of the Council at its next meeting and such replacement shall serve the unexpired term of the replaced member or officer. All appointments shall be by affirmative vote of a majority of the remaining Council members, whether consisting of a quorum or not.

ARTICLE VI - DUTIES OF OFFICERS

SECTION 1. The First Chief shall preside at all Village membership and Council meetings and shall execute on behalf of the Village all contracts, leases, or other documents approved by the Council. The First Chief may vote in all cases except on the matter of the First Chief's removal. The First Chief shall have general supervision of all other officers, employees, and committees of the Village and see that their duties are properly performed. When the Council is not in session, the First Chief shall be the official representative of the Village but may make no financial or other commitment on behalf of the Village unless approved in advance by the Council.

SECTION 2. The Second Chief shall assist the First Chief when called upon to do so. In the absence of the First Chief, the Second Chief shall preside and when so presiding shall have all the rights, privileges, duties and responsibilities of the First Chief.

SECTION 3. The Secretary/Treasurer shall keep the minutes of all meetings and shall attest to the enactment of all resolutions and ordinances. The Secretary/Treasurer shall issue notices of all meetings and elections and conduct all general correspondence as directed by the Council. The Secretary/Treasurer shall carry out the financial directives of the Council, properly safeguard the Village funds and keep an accurate account of all receipts and disbursements.

ARTICLE VII - MEETINGS

SECTION 1. Village Membership Meetings. The Council may call a Village membership meeting at any time, but at least one (1) such meeting shall be called each year during the months of January or February. The Council shall also call a general membership meeting within ten (10) days after receipt of a petition specifically requesting and stating the purpose of such a meeting signed by no less than thirty percent (30%) of the members eligible to vote on the matter for which the meeting is called. No action may be taken at a general membership meeting unless at least 40% of the membership eligible to vote on the matter are in attendance when the action is taken. An action is effective when adopted by majority vote of those attending the general membership meeting.

SECTION 2. Council Meetings. The Council shall meet each month on a date and place to be fixed by action of the Council, and at such other times and places as may be designated by the First Chief or vote of the council. A quorum to transact business shall consist of five (5) Council members and must include either the First or Second Chief. Except as otherwise provided in this Constitution, at least a majority of members present at a meeting, in which a quorum is in attendance, must vote in favor of any motion, resolution or ordinance in order for the vote to be effective. The Council shall keep a complete and accurate record of all proceedings, including reports of actions taken at every meeting.

In the event the Stevens Village Council shall determine it or any of its members have a conflict of interest in the determination of any matter, the matter may be referred to the Village membership.

ARTICLE VIII - ELECTIONS

SECTION 1. General Elections. The general election of Village officers and Council members shall coincide with the annual general membership meeting. Notice of the election shall be given at least thirty (30) days in advance by public posting in the Village.

SECTION 2. Special Elections. The Council may call special elections for any proper purpose, provided that at least ten (10) days notice of such special election is provided by posting in a public place.

SECTION 3. Voter Qualifications. Except as otherwise provided in this Constitution, any member of the Village eighteen (18) years of age or older, shall have the right to vote in all Village elections, provided that he or she has been living in the Village for at least six months immediately preceding the election.

SECTION 4. Election Ordinance. As soon as practicable, after the effective date of this Constitution, the Council shall adopt an ordinance establishing rules and procedures to be followed in conducting each of the various types of elections specified in this Constitution. The ordinance shall include provisions for conducting all Village elections by secret balloting, qualifications of candidates, maintenance of a current list of eligible voters, the settling of election disputes and other matters necessary and appropriate to the conduct of elections. In the absence of an ordinance, elections may be conducted according to custom and the provisions of this Constitution.

ARTICLE IX - INITIATIVE, REFERENDUM AND RECALL

SECTION 1. Recall. Village members shall have the power to recall any member or officer of the Council. The recall process shall be initiated by filing a petition with the Council, signed by at least thirty percent (30%) of the members of the Village eligible to vote on the matter, and setting forth the reasons for the petition. Within thirty (30) days after receipt of a valid recall petition, the Council shall call and conduct an election to consider the recall of the official named in the petition. Once an individual has been subject to recall proceedings, he or she shall not be subject to such action during the balance of his or her present term of office.

SECTION 2. Referendum. Village members may approve or reject acts of the Council by referendum. The referendum shall be initiated by filing a petition with the Council asking for a referendum signed by at least thirty (30%) of the membership eligible to vote on the matter. Within thirty (30) days after receipt of a valid referendum petition, the Council will call and conduct an election on the referendum. The Council may also initiate a referendum on its own motion without a petition.

SECTION 3. Initiative. Village members may initiate legislation by filing an initiative petition with the Council. The petition shall set forth the precise legislation to be initiated. The initiative petition shall be signed by at least thirty percent (30%) of the membership eligible to vote on the matter. Within thirty (30) days after receipt of a valid initiative petition, the Council shall call and conduct an election to consider the initiative.

ARTICLE X - POWERS OF THE VILLAGE

SECTION 1. General Powers. Except as specifically limited by this Constitution, the powers of the Village shall be exercised by the Council and shall include all the inherent powers of a federally recognized tribal government, including but not limited to those specified in this Article, which do not violate federal or Stevens Village law. The Council may authorize an officer to act in specific circumstances.

SECTION 2. Internal Procedures. Consistent with this Constitution, the Council may enact rules to govern its internal procedures and organization and to further define the duties of Village officers by ordinance or bylaw.

SECTION 3. Other Council Powers. In addition to all powers vested in the Village or the Council by existing law, and this Constitution, the Village, acting through the Council, shall have the following powers:

(a) To negotiate with federal, state or local governments and others on behalf of the Village and to advise and consult with the representatives of the Secretary of the Interior on all activities which may affect the Village.

(b) To promote and protect the health, education and general welfare of the members of the Village, and to administer charity and such other services as may contribute to the social and economic development of the Village and its members.

(c) To raise revenue.

(d) To encourage, guard and foster traditional cultural practices of the Koyukon Native people, including the arts, crafts, religion, language and customs of the Native people of Stevens Village.

(e) To authorize or direct subordinate boards, committees or officials to administer the affairs of the Village and to carry out the directives of the Council.

(f) Except as limited by this Constitution, to manage, lease, exchange, acquire, or otherwise deal with Village or other property, and to protect and preserve the Village property and the wildlife and natural resources within those areas under the jurisdiction of the Village.

(g) To zone, exercise the power of eminent domain and otherwise regulate all land use within those areas under the jurisdiction of the Village.

(h) To regulate inheritance among members whether by intestacy or otherwise.

(i) To administer any funds within the control of the Village.

(j) To engage in economic development enterprises for the benefit of the Village or its members.

(k) To provide for the maintenance of law and order and the administration of justice, including the establishment of appropriate Village courts or other judicial bodies.

(l) To regulate child custody and other domestic relations among members.

(m) To regulate and control the use of natural resources within those areas under the jurisdiction of the Village.

(n) To negotiate agreements with other governments and international agencies not inconsistent with federal law.

(o) To safeguard and promote peace, safety, morals, physical and general welfare of the members of the Village.

(p) To employ legal counsel, the choice of counsel and fixing of fees to be subject to the approval of the Secretary of the Interior so long as required by federal law.

(q) To charter enterprises, corporations and associations and to join or charter housing authorities.

(r) To exercise any and all powers heretofore or hereafter delegated by the state or federal governments.

(s) To enact ordinances, procedures and regulations necessary to give effect to any provision of this Constitution and to exercise any power not prohibited by federal law.

SECTION 4. Powers Reserved to Membership. The following powers are specifically reserved to the entire Village membership (including non-resident members) acting through a general membership meeting or a properly called election:

(a) No lands or interests in lands owned by the Village may be sold, leased, encumbered or disposed of without the favorable vote of at least a majority of the entire Village membership.

(b) Except as required by federal law, no member's lands, interests in lands or other assets within the territory of the Village may be involuntarily transferred to a non-member without the favorable vote of at least a majority of the entire membership of the Village.

SECTION 5. Sovereign Immunity of Stevens Village. Nothing in this Constitution shall be deemed or construed to be a waiver of the sovereign immunity of Stevens Village, which may be only waived by express resolution of the Village Council, after receiving an affirmative vote of the majority of the entire adult membership, and only to the extent specified in such resolution and permitted by this Constitution and federal law. Waivers of sovereign immunity shall not be general but must be specific and limited as to duration, grantee, transaction, property or funds, if any, of the Tribe subject to the waiver, as well as specific to the court having jurisdiction and applicable law.

Waiver of the sovereign immunity of the Village shall not be deemed a general consent to the levy of any judgment, lien or attachment upon property of the Village other than property specifically pledged, assigned or otherwise explicitly subject to levy in the waiver resolution.

SECTION 6. Retained Powers. The retained powers of Stevens Village not expressed in this Constitution shall not be lost by omission, but may be exercised by majority vote of the entire adult membership or delegated by the membership to the Council.

SECTION 7. Lease of Village Lands. Except as required by federal law, Village lands or interests in lands may not be disposed of for community expansion, rights-of-way for public use, other community needs or airports and related facilities except by lease.

SECTION 8. Ordinances and Resolutions. The Council shall act by ordinance or resolution, whichever is appropriate. Ordinances shall be adopted for all laws of permanent application. Council action with respect to other matters shall be by resolution. Unless otherwise specified in the body of the ordinance or resolution, the effective date of all resolutions and ordinances shall be the date of their adoption or enactment by the Council. All resolutions shall be available for public inspection at the Council office, unless specified otherwise in the resolution. All enacted ordinances shall be available for public inspection at the Council office.

ARTICLE XI - RIGHTS OF MEMBERS

SECTION 1. Civil Rights. Consistent with the customs, laws and traditions of Stevens Village, the Village in exercising its powers of self-government shall not deny to any person within its jurisdiction, freedom of speech, press or religion, or the right to assemble peacefully, nor shall the Village deny to any person the equal protection of Village laws or deprive any person of liberty or property without due process of law.

SECTION 2. Land Rights. Resident and non-resident members shall have equal rights to use Village owned lands.

SECTION 3. Freedom of Information. Village members shall have the right to review all Village records, including financial records, at any reasonable time in accordance with procedures established by the Council.

ARTICLE XII - SAVINGS AND SEVERABILITY

SECTION 1. Savings. Nothing in this Constitution shall invalidate any law, ordinance, custom or tradition of the Koyukon people of Stevens Village except to the extent the same may be inconsistent with the provisions of this Constitution.

SECTION 2. Severability. If any provision of this Constitution shall in the future be declared invalid by a court of competent jurisdiction, the invalid provision shall be severed and the remaining provisions of the Constitution shall continue in full force and effect.

ARTICLE XIII - AMENDMENTS

This Constitution may be amended by a majority vote of the qualified voters of the entire Village membership (including non-resident members) at an election called by the Secretary of the Interior in which at least thirty percent (30%) of the qualified voters take part.

The Secretary shall call such an election on a proposed Constitutional amendment at the request of either five (5) of the nine (9) Council members or upon a petition by a at least thirty percent (30%) of the entire village membership eighteen (18) years of age or older.

ARTICLE XIV - ADOPTION

This Constitution, when ratified by a majority vote of the qualified voters of Stevens Village, voting at an election called for that purpose by the Secretary of the Interior, or his authorized representative, in which at least thirty percent (30%) of those entitled to vote shall vote, shall be submitted to the Secretary of the Interior for his approval and shall be effective from the date of his approval.

CERTIFICATE OF RESULTS OF ELECTION

Pursuant to a Secretarial election authorized by the Deputy to the Assistant Secretary - Indian Affairs (Tribal Services) on May 14, 1990, the attached revised Constitution of the Native Village of Stevens Village, Alaska was submitted to the qualified voters of the tribe and on June 25, 1990, was duly (adopted)(~~rejected~~) by a vote of 29 for and 2 against and 2 cast ballots found spoiled or mutilated in an election in which at least thirty (30) percent of the 40 members entitled to vote, cast their ballot in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended by the Act of June 15, 1935 (49 Stat. 378), the Act of May 1, 1936 (49 Stat. 1250), and the Act of November 1, 1988 (102 Stat. 2938).

Michael J. Stancampiano, Chairman, Election Board

Robert Joseph, Member, Election Board

Horace Smoke Sr.

Horace Smoke Sr., Member, Election Board
(Herb George, Alternate Member)

6/25/90
Date

CERTIFICATE OF APPROVAL

I, Ronal Eden, Deputy to the Assistant Secretary - Indian Affairs (Tribal Services), by virtue of the authority granted to the Secretary of the Interior by the Act of June 18, 1934 (48 Stat. 984), as amended, and delegated to me by 230 DM 2.4, do hereby approve the Constitution of the Native Village of Stevens, Alaska. It is effective as of this date; Provided, that nothing in this document shall be construed as authorizing any action under this document that would be contrary to Federal law.

/s/ Ronal Eden

Deputy to the Assistant Secretary -
Indian Affairs (Tribal Services)

Washington, D.C.

Date: AUG - 9 1990